



## Zoning Administrator Hearing

### *Minutes*

Mizner Conference Room  
Mesa City Plaza Building, Suite 130  
20 East Main Street  
Mesa, Arizona, 85201

**Gordon Sheffield, AICP**  
**Hearing Officer**

**DATE** August 28, 2007      **TIME** 1:30 P.M.

**Staff Present**

Jeff McVay  
Jim Hash  
Katrina Rogers  
Patrick Murphy

**Others Present**

JD Dockstader  
James Flores  
Alisa Petterson-Dangelo  
Vince DeBella

### **CASES**

Case No.:                      ZA07-083

Location:                     1549 West 1<sup>st</sup> Street

Subject:                      Requesting a variance to allow the enclosure of an existing carport into a garage in the R1-6 zoning district.

Decision:                    Approved with the following conditions.  
                                    1. *Compliance with the submitted Site Plan.*  
                                    2. *Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.*

Summary:                    Mr. Flores, applicant, presented the variance request and noted that the proposal would not change the setback or roofline of the existing structure. Mr. Hash, staff planner, noted that the pattern of development on the parcel creates a unique condition that justifies the requested variance. Mr. Hash further noted that the current standard construction practice includes a garage and not a carport. Mr. McVay, staff planner, noted that the enclosure would require building permits, which may include fire resistant construction.

Finding of Fact:

- The approved variance allows enclosure of an existing two-car carport into a garage. The enclosing of the existing carport would encroach into the side yard setback to within three feet of the property line.

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- The original construction of the home does not comply with the current setback requirements for the R1-6 Zoning District. Dwellings in R1-6 zoning districts require 5-foot and 10-foot side yard setbacks. The property currently provides side setbacks of 6'-5" and three-foot.
- The one-car carport is part of the original 1954 construction of the home and is fully integrated into the architecture of the home. Compliance with current Code standards would require demolition or significant alteration of the original construction and architecture of the home. The enclosing of the carport and the variance are not self-imposed due to the original roof line of the structure not being altered and the encroachment of the home not increasing from its original state.
- The strict application of current code requirements would deprive the property of privileges that are enjoyed by other properties in the vicinity and zoning in which the property is located. Specifically, standard home construction includes a two-car garage. The ability to have a one-car garage does not constitute granting of special privilege inconsistent with similar limitations upon other properties in the vicinity and zone.
- The enclosing of the carport and the variance would not create a greater encroachment into the side setback than currently exists. Consequently the variance would be compatible with and not detrimental to surrounding properties.

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Case No.: ZA07-079TC

Location: 400 North Pima

Subject: Requesting variances to allow: 1) reduction of building and landscape setbacks; 2) reduction in the minimum number of required on-site parking spaces; 3) reduction in the minimum size of parking lot landscape islands; 4) reduction in landscape plant requirements; and 5) reduction of foundation base width, all in conjunction with a church in the TCB-1 and TCR-2 zoning districts.

Decision: Approved with the following conditions.  
*1. Compliance with the basic development as shown on the development plans.*  
*2. Compliance with all City development codes and regulations.*

Summary: Mr. DiBella, applicant, presented the variance requests, noting that the building that houses the church was constructed in the 40's or the 50's but he is unsure to when it actually became a place of worship. Mr. DiBella, further stated that the church needs relief due to the fact that it will not meet the parking standard of 1/75 ratio as set by City of Mesa Code, but the site will provide more onsite parking than currently exists and the church has the ability to utilize an existing parking lot to the south.

Mr. Murphy, staff planner, explained that the lot size is more typical to an urban lot and application of suburban development standards creates a unique hardship that justifies the variance. Mr. Murphy further stated that the building is not on the historic preservation list.

In response to questions from Mr. Sheffield, Mr. DiBella addressed the alley and the ability to abandon that alley. Stating that they were unable to get official abandonment even though the alley has unofficially been abandoned for several years.

Mr. Sheffield stated that the landscaping along University Drive and within the existing alley would require an encroachment. Mr. DiBella agreed that an encroachment permit would be sought with the request.

Finding of Facts:

- This project is being developed on small lots that were originally designed for a residential use. The majority of the requested Variances noted above are in respect to the Site Development Design Standards in Chapter 15 of the Zoning Ordinance. Section 11-15-1(B, 1) states that the "Downtown Development Committee may modify these Site Development Design Standards when applied to specific development proposals in the Town Center Redevelopment Area." These modifications are typically approved as part of the consideration of a design review application. However, this project is not subject to design review by the Downtown Development Committee, therefore, the applicant has requested the Variances noted above.
- The parking calculations for the project were based on one (1) space per seventy five (75) square feet of gross floor area for public assembly resulting in sixty-nine (69) required parking spaces. The proposed parking lot consists of thirty-eight (38) spaces. Because the church's hours of

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operation are during off peak hours, the parking requirements can be satisfied by utilizing the City's public parking lot located on the southside of University Drive.

- In order to be able to build a structure that is useful for the Holy Temple Church several variances are needed. The frontyard setback variance (required 15', proposed 5') is necessary due to the size of the subject property. The rearyard setback variance (required 15', proposed 0') is required due to the size of the subject property.
- The required variances to the setbacks required by Chapter 15 of the Zoning Ordinance are necessary because those standards are for a suburban type of development. Thus the reduction of the setback from the required 20' to the proposed 5' is justified due to the size of the subject property. The same argument can be made for the proposed reduction to the landscaping setback required 15', proposed 5'. If the applicant complied with all of the required setbacks they would not be able to construct a sanctuary that would fit their needs.

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Case No.: ZA07-085TC

Location: 201 North Center Street

Subject: Requesting Special Use Permits to allow: 1) a Comprehensive Sign Plan; and 2.) an electronic sign to display static messages for a minimum period less than one hour, both in conjunction with the Mesa Amphitheatre in the TCC zoning district.

Decision: Approved with the following conditions.

1. *The new monument sign shall not exceed the area or height as portrayed in the rendering dated March 27, 2007.*
2. *All signage shall be subject to the approval of a separate sign permit.*
3. *Video usage of the electronic message display board shall not be permitted unless requested through a modification of this Comprehensive Sign Plan.*
4. *Change in display of the static messages shall occur by means of immediate, fade, dissolve, or scrolling modes.*
5. *The minimum time period for the display of each message shall be no less than fifteen (15) seconds and no more than four (4) times per minute.*
6. *The electronic message display shall be used to promote the products and services of the facility, primarily shows and programs taking place at the Mesa Convention Center complex and Mesa Marriott Hotel.*
7. *The sign panels shall only promote or advertise those activities, products, or services that are related to the commercial uses existing on the premises of the "site" which includes the Mesa Convention Center complex and adjoining Mesa Marriott Hotel.*
8. *Incorporate colors, materials and textures into the new monument sign that reflect the Convention Center Complex.*

Summary: JD Dockstader, Parks and Recreation Assistant Director, presented the request for a Comprehensive Sign Plan. Ms. Rogers, staff planner, noted the unique conditions of site and use that justify the requested Special Use Permit. She further noted that Code allowed sign height and area is not sufficient and did not anticipate a user such as a convention center, which is a regional use.

Finding of Fact:

- The Comprehensive Sign Plan allows a new marquee monument sign at the intersection of Center Street and University Drive. The marquee sign will have a 20-foot sign height and 158 square foot sign area. Code maximums would allow a five-foot high sign with 32 square feet of sign area.
- Code maximums are not sufficient to identify a regional use, such as the convention center and amphitheater. The convention center and amphitheater uses are the only in Mesa and represent a unique condition that justify the requested increases in height and size.
- Electronic message display that remains static for a minimum period of 15 seconds is consistent with the area, traffic volumes, and is not affected by poor visibility or other distracting influences.

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- Only products or services available on-site will be allowed to advertise on the marquee sign.
- The CSP includes the entire convention center development as well as the Marriot Hotel as these uses are part of a group development with cross access. The CSP does not include modification or replacement of existing signage.

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There being no further business to come before the Zoning Administrator, the hearing adjourned at 02:03 p.m.

The cases for this hearing were recorded on Zoning Administrator Flash Card 2, Track 28.

Respectfully submitted,

Gordon Sheffield  
Hearing Officer

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